

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

STATE OF WASHINGTON

2018 MAR -8 AM 11:45

Respondent,

STATE OF WASHINGTON

v.

No. 49788-3-11 CA
and 50575-4-17 DEPUTY
STATEMENT OF ADDITIONAL
GROUND FOR REVIEW

(your name)

Appellant.

I, Rick Heller, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Possession stolen motor vehicle

Additional Ground 1

Attorney was on Narcotic Drugs
Attorney failed to enter exculpatory evidence
Attorney failed to subpoena personal & professional witnesses
Attorney failed to have prosecutor present evidence and make available
Attorney failed to make the state establish ATV ownership with VIN no
Attorney failed to ask for reimbursement of cost incurred without permission
Attorney failed to defend me as if it was a deliberate foul play job

Additional Ground 2

Bail Jumping

Attorney failed to inform the jury that I was never given a bail
Attorney failed to inform the jury I was not released by court order
Attorney failed to inform the jury that I had 30 appearances
Attorney failed to inform the jury that I was unaware I missed court
Attorney failed to present the evidence that I was unaware I missed court
Attorney failed to inform the jury that he was to blame for my FTA

If there are additional grounds, a brief summary is attached to this statement.

Date: March 2 2018

Signature: Rick Heller

Possession stolen motor vehicle

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DIVISION

James Dapora was ~~my attorney~~
my attorney as he was on
Marsa drugs while representing me
I took the plea only because

my attorney told me he was withstanding
or my attorney and would no longer be
representing me, and he told me I should
take the offer, I did not want to but
I felt I had to because I never have
no attorney.

James Dapora was not even trying
to defend me as he failed to subpoena
my witnesses he failed to have the
private investigator appear for the trial
after we hired him to investigate
for us and was a big part of my
defense, James Dapora failed to enter
into evidence my bill of sale
dispute my money, reminders for
him to be sure and enter my
bill of sale, I had around twenty
commence hearings and reminded Mr Dapora
to be sure and enter the bill of sale
at least 10 times, James failed to
challenge the evidence I was bringing
charged with perjury he could be
for our defense and for the jurors to
hear or it was needed to rebut
argument as to his appearance and challenged
and to James failed to demand the
prosecution to present the VIN number

Possession stolen motor vehicle P2

for the ATV co. The police never
even located the VIN number on
the ATV, James failed to ask
for reimbursement for money it paid
to Uhaul for the police road
the Uhaul it rented without my
permission as my knowledge to deliver
the ATV to a man having make
sure that had ~~not~~ reported a similar
ATV stolen at a much earlier date.
James failed to make the poster
present some evidence there was
even an ATV as there was not
even a photo of the ATV in case
the ATV was James failed to
demand its available or otherwise the
that James did almost nothing
for my claim it was as if he
was working for the prosecutor
it didn't mean if it was because
he was on charge or working for
the other side but that representation
was not even close to being effective
there as more but shouldn't be needed

bad jumping

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COURT REPORTS
TUNICANT

I never had jumped before about thirty appearances at missed one however my attorney James Bayard marked my next court appearance on my paperwork in a different place on the bottom of the page with a title I did not recognize as part of the court calendar where it had been marked on all 30 prior dates I appeared for, it simply said trial status with a date next to it, on the bottom of the page moved in with some other coming at a time if he was trying to make me miss court that day. I was never arrested and was warned I had missed a court date and I showed up for court on the date that was marked on my paperwork in the calendar section where it had been marked every time before when my name was called that day was when it dawned I had missed a day, I cal was in disbelief and argued to that fact as the court record will reflect if you listen to it last day.

I was not released by court order nor was I ever given a trial. I agreed to meet the debator handling the case down at the jail so she could look and release me on my own signature on a promise to appear.

Bal Sumping Pg 2

James my attorney did nothing to defend me at the trial that is why the guilty verdict as the record will show. it appeared to me to be a railroad job. I never committed the crime, I was never given a bail I was not released by court order I was unaware I even missed a court appearance as the record will reflect when I learned I missed a day so it is obvious I was not trying to evade prosecution, and the prosecutor himself made a comment as to how good I was at appearing for my court dates when he said I didn't need to be in custody pending sentencing.

Local attorney suspended from state bar association

By **MICHAEL HEINBACH**
michael@masoncounty.com

A Shelton criminal defense attorney has agreed to a two-year suspension from the Washington State Bar Association (WSBA). Attorney James K. Gazori entered into a stipulation to facts, misconduct and sanctions rather than have the matter proceed to a public hearing after he was accused of having inappropriate contact with a client he was representing in Mason County Superior Court.

According to the Bar Association's stipulation to discipline issued last fall, in April 2014, Gazori represented Dianna Kasch in Mason County Superior Court, defending her against a charge of possession of heroin with intent to deliver.

"During the course of the representation, Respondent (Gazori) and Ms. Kasch exchanged numerous text messages of a personal, non-professional nature," the stipulation reads. "Many of the text messages used coded language that appeared to refer to the delivery of controlled substances between Respondent and Ms. Kasch."

In addition to his two-year suspension, Gazori must have a one-year period of sobriety proven by urinalysis obtained at his own expense in order to be eligible for reinstatement as well as receive the go-ahead from an independent, licensed clinical psychologist or psychiatrist at least 30 prior to reinstatement.

Should he be reinstated, Gazori would be subject to a two-year probationary period. The terms of the probationary period include a chemical-dependency evaluation within the first 60 days of reinstatement, random toxicology monitoring, dependency treatment if deemed necessary by the evaluator, maintained sobriety and related checks through the bar.

The discovery of the text messages came after Kasch's phone was seized during a "controlled buy of illegal drugs." Those text messages were submitted to the office of Michael Dorcy, Mason County prosecutor.

The stipulation states that after learning law enforcement and Dorcy's office had obtained the text messages, Gazori filed a notice of withdrawal from representation of Kasch. Then, at the request of Dorcy's office, he self-reported his conduct to the bar's Office of Disciplinary Counsel.

Gazori had never previously been disciplined by the bar in his previous 27 years of practice in the state. In court papers, Gazori agreed to suspension "without affirmatively admitting to" inappropriate text messages with Kasch.

In October 2015, Kasch was found guilty of controlled substance possession and delivery of a controlled substance.

Gazori, who worked out of an office at 1620 Olympic Highway North, graduated with a Juris Doctor in 1999 from the Seattle University School of Law.

3 members of same family appear in court on same day

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